

STATE OF TEXAS  
COUNTY OF TRAVIS

EMERGENCY PURCHASE AFFIDAVIT

BEFORE ME, the undersigned authority, personally appeared TAMMIE H. WILLIAMSON, who being by me first duly sworn, upon oath deposed and stated:

"My name is TAMMIE H. WILLIAMSON. I am over eighteen (18) years of age. I am the ACTING DIRECTOR for the SOLID WASTE SERVICES DEPARTMENT of the City of Austin, Texas. I have personal knowledge of the facts set forth below and am competent and authorized to make this affidavit.

THIS EMERGENCY AFFIDAVIT IS AN AMENDMENT TO THE PREVIOUS EMERGENCY AFFIDAVIT EXECUTED ON MARCH 11, 2009. MABEL DAVIS PARK CONTAINS A CLOSED MUNICIPAL SOLID WASTE LANDFILL WHICH HAS A BELOW-GROUND LEACHATE COLLECTION SYSTEM TO ROUTE CONTAMINATED GROUNDWATER THAT HAS COME INTO CONTACT WITH THE WASTE (LEACHATE) TO THE SANITARY SEWER SYSTEM TO PREVENT EXPOSURE TO THE ENVIRONMENT AND THE PUBLIC. THE LEACHATE COLLECTION SYSTEM RECENTLY FAILED DUE TO WHAT WAS BELIEVED TO BE CLOGGING AND BROKEN PIPES, THREATENING TO IMMEDIATELY RELEASE CONTAMINATED LEACHATE INTO THE CREEK WITHIN THE PARK AND PRESENTING AN IMMEDIATE HEALTH AND SAFETY RISK TO THE PUBLIC (DOWNSTREAM PROPERTY OWNERS AND OCCUPANTS). TO MITIGATE THE IMMEDIATE THREAT, A CONSTRUCTION CONTRACTOR WAS NEEDED IMMEDIATELY TO EXCAVATE AND ASSESS DAMAGES TO THE SYSTEM, AND PERFORM ALL NECESSARY REPAIRS TO RESTORE THE COLLECTION SYSTEM TO PROPER OPERATION. SCS ENGINEERS/FIELD SERVICES, WHICH IS CURRENTLY UNDER CONTRACT WITH THE CITY FOR LEACHATE SYSTEM MAINTENANCE AND REPAIR FOR THE FM812 LANDFILL, WAS AVAILABLE TO BEGIN WORK IMMEDIATELY AND HAS THE EXPERTISE AND CERTIFICATIONS TO MAKE THE NECESSARY DIAGNOSIS AND REPAIRS. DUE TO THE UNKNOWN EXTENT OF THE DAMAGES, BIDDING WAS NOT FEASIBLE FOR THIS EMERGENCY SERVICE. INITIALLY, THE CONTRACT TOTAL WAS EXPECTED TO BE APPROXIMATELY \$50,000.00. HOWEVER, DURING EXCAVATION AND FURTHER DIAGNOSIS, IT WAS DISCOVERED THAT IN ADDITION TO THE CLOGGING OF EXISTING PIPES, THE LEACHATE COLLECTION SYSTEM CONSTRUCTION WAS INCONSISTENT WITH THE ORIGINAL DESIGN OF THE CONSULTING ENGINEER. **THE NECESSARY WORK TO CORRECT THE ORIGINAL CONSTRUCTION DEFICIENCIES AND SYSTEM DAMAGES HAS BEEN COMPLETED AT A TOTAL COST OF \$111,758.45.** DUE TO THE PUBLIC HEALTH AND SAFETY RISK POSED BY THE LEACHATE SYSTEM DEFICIENCIES AND SUBSEQUENT DAMAGES, CITY STAFF INSTRUCTED SCS TO PROCEED WITH CORRECTIVE ACTION. THEREFORE, I REQUEST THAT THIS PROCUREMENT OF EMERGENCY SERVICES BE DESIGNATED AN EXEMPTION TO THE STANDARD PURCHASING POLICIES OUTLINED IN SECTION 252.022 (a) (2), TO PRESERVE AND PROTECT THE HEALTH AND SAFETY OF THE CITY'S EMPLOYEES AND THE PUBLIC.

"The situation described above is a public calamity that requires the immediate appropriation of money to relieve the necessity of the municipality. I am familiar with state and local laws relating to competition and bidding requirements and realize that willful violations of these laws can subject me to criminal sanctions. I understand further that the Charter of the City of Austin does not exempt emergency purchases from the requirement for competition. However, I believe that the time required to allow competition would place the municipality's residents or property in further danger and that my fiduciary responsibilities to the City of Austin require that this action be taken immediately."

"Further Affiant sayeth not."

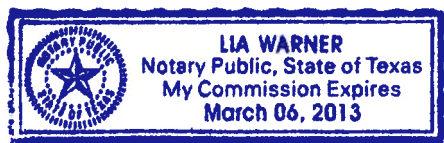
Affiant

Name: TAMMIE H. WILLIAMSON

STATE OF TEXAS  
COUNTY OF TRAVIS

BEFORE ME, the undersigned notary public, personally appeared Name of Person Providing Affidavit (the "claimant") known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that Claimant executed the same for the purpose and consideration therein expressed, in the capacity therein stated, and that each and every statement therein is within the Claimant's knowledge and is true and correct.

Given under my hand and seal of office on the 22nd day of June, 2009.



Lia Warner  
NOTARY PUBLIC, STATE OF TEXAS

Printed Name of Notary

My Commission Expires: 3-6-13